

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

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FRIDAY, THE THIRTYIETH DAY OF SEPTEMBER

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE K.C.BHANU

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WP.No.21225 OF 2005

Between:

M/s. Thirumala Bharat Gas Agency,
Office 12-166, Main Road, Thorrur,
Warangal district, Proprietary concern, rep. by its
Proprietor: Smt.K.Anitha Petitioner

Versus

The Bharath Petroleum Corporation Ltd.,
Mumbai & Ors. ... Respondents

Counsel for the Petitioner: Mr.P.KESHAVA RAO

Counsel for the Respondent: GP for Civil Supplies

ORDER :

Challenging the Proceedings in File No.F4/373/2005, dated 23-9-2005 issued by the respondent in suspending the license for purchase/sale/storage for sale vide license No.155/WGL, dated 23-2-2001 issued in favour of the petitioner under the A.P. Petroleum Products (Licensing and Regulation Supplies) Order 1980 for committing certain discrepancies that were noticed in maintenance of record and also in distribution of LPG to the consumers, the present writ petition is filed.

The learned counsel for the petitioner contended that the impugned suspension order is completely in violation of clause 28 of A.P. Petroleum Products Order 1980 and therefore the same is liable to be set aside.

On the other hand, the learned Government Pleader contended that this is an order under clause 28 (2) of the A.P. Petroleum Products Order 1980 and therefore the order is completely in consonance with the A.P. Petroleum Products Order 1980 and therefore no notice is required to be given before passing the order and hence prays to dismiss the petition.

Clause 28 (2) of the AP Petroleum Products Order 1980 gives power to the concerned authority place suspension of the fair price shop and notice is required before suspending authorization pending enquiry. At the same time Clause 28 (1) of the said Order do indicate a notice is required to be given to the affected party.

Clause 28 of the said order is considered by this court in **A.SRIRAMA MURTHY V/s. JOINT COLLECTOR, VISAKHAPATNAM & ORS.** reported in 1989 (1) Law Summary at Page-89 wherein it is held for invocation of the power of interim suspension under clause 28 (2) of the Order action ought to have been initiated by 05-8-1997 and before passing the order of interim suspension.

To the same effect, the Division Bench of this court in a decision in WA.No.614 of 2001 between **M/s. MANIKESHWARI AGENCIES, INDIAN OIL CORPORATION, KEROSENE WHOLESALE DEALER, MAHESWARAM V/s. THE JOINT COLLECTOR, RANGA REDDY DISTRICT**, wherein it is held that there cannot be any doubt whatsoever that suspension of licence has civil consequences, and therefore, the authority before passing any order should comply with the mandatory requirement contained in Clause 28 of the Petroleum Order.

In this case, no notice is given and so also no action is initiated on the impugned proceedings. Therefore, it is in clear violation of Clause 28 of A.P. Petroleum Products Order 1980 as interpreted by this court.

Following the said judgment, the impugned proceedings is set aside and the matter is remitted to the Joint Collector, Warangal, Warangal district for taking appropriate

action in accordance with law.

The writ petition is accordingly disposed of at the admission stage. No costs.

SEPTEMBER 30th, 2005. -----

I s L. **K C.. B H A N U , J.**